

# STATE OF MONTANA

Prepare, sign, submit with an original signature and filing fee.

This is the minimum information required.

(This space for use by the Secretary of State only)

ARTICLES of INCORPORATION  
for DOMESTIC NONPROFIT CORPORATION  
(35-2-213, MCA)

**MAIL:** **BRAD JOHNSON**  
Secretary of State  
P.O. Box 202801  
Helena, MT 59620-2801  
**PHONE:** (406)444-3665  
**FAX:** (406)444-3976  
**WEB SITE:** *sos.mt.gov*



**Filing Fee: \$20.00**

☐ 24 Hour Priority Filing Add \$20.00

☐ 1 Hour Expedite Filing Add \$100.00

*Executed by the undersigned person for the purpose of forming a Montana nonprofit corporation.*

1. The name of the Nonprofit Corporation is: \_\_\_\_\_

2. The name and address of the registered office/agent in Montana:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ MONTANA, Zip Code: \_\_\_\_\_

Signature of Agent (**Required**): \_\_\_\_\_

3. The name and address of the incorporator is as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. The Nonprofit Corporation ☐ **WILL** have members ☐ **WILL NOT** have members.

5. This Nonprofit Corporation is a (check one):

☐ Public Benefit Corporation

☐ Mutual Benefit Corporation

☐ Religious Corporation

6. Upon dissolution, the assets shall be distributed in the following manner:

\_\_\_\_\_  
\_\_\_\_\_

7. \_\_\_\_\_  
Signature of Incorporator Date

❖ **All information provided, including names and addresses of officers and directors, will be made available on the Secretary of State's web site or upon request.**

❖ **There are important legal and accounting implications with respect to this corporation action. Suitable legal and accounting advice should be secured before submission. The Secretary of State's office encourages that such advice be sought prior to filling out forms to be sure that you understand the terms and procedures.**

# Articles of Incorporation for Domestic Nonprofit Corporation

## HELP SHEET

Use this form to file Articles of Incorporation for a Montana nonprofit corporation.

You may request 24 hour priority filing of your document. Simply mark the "24 hour priority filing" box and include an additional \$20.00 with your filing fee for a total of \$40.00. You may request 1 hour expedite filing of your document. Simply mark the "1 hour expedite filing" box and include an additional \$100.00 with your filing fee for a total of \$120.00.

Please type or clearly print the requested information.

This form provides the minimal information necessary to file a nonprofit corporation. It is advised that you contact an attorney for assistance and guidance in consideration of additional provisions that may be necessary for your organization.

The Internal Revenue Service (IRS) requires specific language to be included in Articles of Incorporation in order to qualify for nonprofit tax status. It is advised that you contact the IRS for their language requirements.

Unless a delayed effective date is specified, the existence date for the corporation will be the date the Articles of Incorporation were filed with the Secretary of State. (35-2-214, MCA)

### Item 4:

Members are those individuals who can vote to elect the board of directors or elect delegates who in turn elect the board of directors.

### Item 5:

- a.) *Public Benefit Corporations* are those corporations operating for public or charitable purposes. As such, members may not sell their interest or receive distributions from the organizations. Written notice of intent to dissolve must be given to the Attorney General.
- b.) *Mutual Benefit Corporations* are organizations such as trade associations, social clubs, and fraternal organizations designed to benefit their members. Members, as such, are given broader voting rights. Members, while not entitled to receive distributions while the organization is operating, will be entitled to sell their memberships and receive distributions when the organization dissolves.
- c.) *Religious Corporations* are treated in a way similar to public benefit corporations. Written notice of intent to dissolve must be given to the Attorney General.

Upon completion, mail this form with an ORIGINAL SIGNATURE, and the correct filing fee to the Secretary of State, PO Box 202801, Helena, MT 59620-2801. **Make checks payable to the Secretary of State.**

The Secretary of State will send a letter of acknowledgment to you once your document has been filed with our office.

Annual reports must be filed with the Secretary of State prior to April 15 each year. The Secretary of State will mail the report to the corporations registered agent during the month of January, beginning the year following incorporation and each January thereafter. (35-2-904, MCA)

If you have any questions regarding this form, please contact the Secretary of State, Business Services Bureau at (406) 444-3665.

❖ **Please be advised that the Business Services Bureau of the Montana Secretary of State will process your business documents within 10 working days of initial receipt. During this period if it's determined that your document doesn't meet statutory requirements, a letter outlining the deficiencies will be returned to the original submitter. If the document is complete and correct, the document will be filed and an acknowledgment copy showing completion returned to the original submitter.**